REMARKS/ARGUMENTS

In the specification, the first paragraph beginning at Line 5 on Page 2 has been amended to update the cross reference of the Application with PTO serial numbers.

Claims 1-24 are pending in this application. Claims 25-39 have been cancelled.

Claim Rejections – 35 U.S.C. § 103

The Patent Office rejected claims 1, 2, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Cockrill et al. ("Cockrill", U.S. Patent Number 6,473,740) in view of Gilchrist et al. ("Gilchrist", U.S. Patent Number 5,768,505). Claims 3-6, 8-12, 15-18, 20-24 are rejected under 35 U.S.C. § 103(a) as being unpatenatable over Cockrill in view of Gilchrist and further in view of Saulpaugh et al. ("Saulpaugh", U.S. Patent number 5,590,334). Applicant respectfully traverses these rejections.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Further, "to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 1 and 13 stand rejected under 35 U.S.C. §103(a). As noted by the Examiner, Cockrill fails to teach, suggest, or disclose the element of "encapsulated

transaction object" as recited in Claims 1 and 13. Therefore, Cockrill also fails to teach, suggest, or disclose the element of "the transaction object is capable of transmitting data related to the stored occurrence of the utilization event over a network" (emphasis added) as recited in Claims 1 and 13.

Generally, the primary reference, Cockrill, teaches a transaction network that facilitates and simplifies purchase transactions between customers and merchants. The transaction network may provide a single registration process and universal authentication to the Web sites so that a customer can make transactions with all of the merchants through a single user interaction. Cockrill merely teaches a transaction network (not a transaction object), comprising centralized servers, which may relieve merchants of the burdens of each maintaining a separate infrastructure for ecommerce transactions.

Furthermore, the ancillary reference, Gilchrist, does not make up for the defects of Cockrill. The Examiner states that Gilchrist teaches the steps of "encapsulated transaction object" as recited in Claims 1 and 13, citing in Column 3, lines 1-25 of Gilchrist which reads

> All messages received by a system in which the framework is implemented can be defined on this core object structure. Another set of objects and methods define the processing steps required for a mail server to process a message. A message is received as a class of message objects, which are assigned a message type that determines the subsequent processing steps to which the message object is subjected. For example, a message might be assigned to be a SNADS-class message type or an SMTP-class message type. As a message is processed, the objects of which it is comprised are changed, so that the message processing can be interrupted and then resumed without loss or duplication of processing steps. Because the mail server processing system is provided as an OOP framework, object methods that process message objects corresponding to particular e-mail protocols can be easily integrated into an implementation of the framework without changing the mail server system. Framework users are assured that e-mail function object methods defined on the framework structure of classes and subclasses will operate with the core framework objects and methods to process messages in the desired manner. In this way, a framework user can define object methods that process new e-mail protocols to tailor the mail server system to their particular requirements without modifying the entire system and without recompiling the system programming. This reduces the time and cost

needed to implement specific mail server changes to an e-mail gateway system. (emphasis added)

The Applicant disagrees. This passage of Gilchrist merely teaches an Object Oriented Program (OOP) framework in which a user can define object methods (for example, message objects and methods) that process new e-mail protocols to tailor the mail server system to their particular requirements without modifying the entire system or without recompiling the system programming.

In Gilchrist, the OOP framework, designed to support any e-mail system message protocol standard, comprises message objects and methods which define the processing steps required for a mail server to process a message whereas the Applicant's management system, designed to provide business process features, comprises encapsulated transaction objects (containing transaction information) which allow the transaction server to facilitate automatic micro billing (billing for very small monetary amounts) and the like.

Therefore, the message object in the OOP framework is not equivalent to the element of "encapsulated transaction object." Further, Gilchrist fails to teach the element of "the transaction object is capable of transmitting data related to the stored occurrence of the utilization event over a network" (emphasis added) as recited in Claims 1 and 13.

Additionally, the other ancillary reference, Saulpaugh, fails to disclose, teach or suggest the above discussed elements recited in Claims 1 and 13. Saulpaugh merely teaches an object-oriented message passing system and a method for transferring messages between a client task and a server task with a high level of structural granularity and less memory requirement. The object-oriented message passing system may create and maintain a set of message objects (which are associated with particular port objects) and port objects (which represent resources that correspond to services provided by a server task).

Therefore, Saulpaugh does not teach, suggest or disclose the element of "encapsulated transaction object" or the element of "the transaction object is capable of transmitting data related to the stored occurrence of the utilization event over a network," as recited in Claims 1, and 13.

Accordingly, any of the references (i.e., Cockrill, Gilchrist, and Saulpaugh), either alone or combination thereof, fails to teach, suggest, or disclose the above discussed elements claimed in independent Claims 1 and 13. Thus, Applicant respectfully submits that independent Claims 1 and 13 are nonobvious under 35 U.S.C. § 103. Removal of the pending rejections to Claims 1 and 13 under 35 U.S.C. §103 is respectfully requested. Claims 2-12 depend on Claim 1. Claims 14-24 depend on Claim 13. Claims 2-12, and 14-24 are believed to be allowable based on their dependence upon allowable base claims.
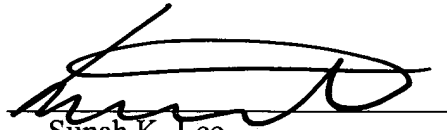
CONCLUSION

In light of the foregoing amendments and remarks, Applicant respectfully requests a timely Notice of Allowance.

Respectfully submitted,

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